

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 09-CR-196

Plaintiff,

v.

DERRICK AVERY, and
SHAMIKA EVANS,

Defendants.

**MOTION FOR PROTECTIVE ORDER
REGULATING THE DISSEMINATION OF DISCOVERY MATERIALS**

The United States of America, by and through its attorneys, Michelle L. Jacobs, United States Attorney for the Eastern District of Wisconsin, and Melvin K. Washington and Joseph R. Wall, Assistant United States Attorneys for said district, hereby moves this Court under Rule 16(d)(1) of the Federal Rules of Criminal Procedure for a protective order regulating the dissemination of discovery material in the above-captioned case. The United States requests that this Court order the following protections regarding the dissemination of discovery materials:

(1) The discovery materials, such as investigative reports, photographs, and witness interviews are currently available for defense counsel. Each defense counsel will be provided with a single copy of the materials. A second copy will be made available to the defendants. This second copy of the materials may mask the identification of certain cooperating witnesses, as well as the addresses, telephone numbers, and other identifying information relative to those persons. As additional materials become available and/or it becomes appropriate for the identity of certain persons to be disclosed, each attorney will be notified by the United States Attorney's Office, and

one copy of the additional materials will be made available to each defense counsel and one copy for the defendants.

(2) All discovery materials shall remain under the control of the defense attorney. Discovery materials, while in the custody and control of the defense attorney, may be reviewed by licensed investigators employed by the defense attorney, and any other individuals deemed necessary by the defense attorney. Witness statements produced in discovery may be relinquished to licensed investigators employed by the defense attorney for limited periods of time as necessary to facilitate an investigation interview with that witness. Copies of the discovery materials filed with the court must be filed under seal to retain the confidential nature of the materials unless consent to filing in the public record is obtained from an attorney for the government. All materials produced or copied under the proposed order must be returned to the United States Attorney at the conclusion of the case, which may include time for appeal and resolution of a timely 28 U.S.C. § 2255 petition. Unless otherwise ordered above, the discovery materials shall not be physically relinquished to any third party, including clients, investigators, or any other individual.

(3) The government shall make arrangements with any and all institutions where the defendants are detained so that a set of discovery materials can be maintained at each institution for inspection by the defendants. Defendants shall be prohibited from copying the materials or otherwise obtaining or maintaining copies of any such materials and shall be prohibited from transporting any of these materials to his cellblock.

(4) The basis for this motion is more fully described in the attached, ex parte statement of the undersigned.

Dated in Milwaukee, Wisconsin on this 23rd day of October, 2009.

MICHELLE L. JACOBS
United States Attorney

By:

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